



PFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: Kyle Marvin et al.

Appln. No.: 10/784,492

Confirm. No.: 2152

Filed: February 23, 2004

Title: SYSTEMS AND METHODS FOR CREATING
NETWORK-BASED SOFTWARE SERVICES
USING SOURCE CODE ANNOTATIONS

PATENT APPLICATION

Art Unit: 2153

Examiner: To be assigned

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on the date shown below.



Mathew Otts
Signature Date: 2/22/2005

(Signature)

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- The present application is being/was filed after June 30, 2003. In accordance with the pre-official gazette waiver of 37 CFR 1.98 (a)(2)(i) posted at: pac/dapp/opla/preognnotice/idswouscopies.htm, copies of cited U.S. patents and publications are not enclosed. However, copies of cited foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a)(2), as still required, except for those items designated by an asterisk (*), which were previously submitted by the applicant in a parent application, from which benefit under 35 U.S.C. §120 is claimed, with an *Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c), as allowed under 37 C.F.R. §1.98(d)(1).

— If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

— **PTA Statement under 37 C.F.R. §1.704(d).** Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

This statement should be considered because:

37 C.F.R. §1.97(b). This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

— **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (*check at least one of the following*) --

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).
-- OR --
- (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

— **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

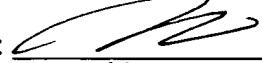
- (1) It is being filed on or before payment of the Issue Fee;
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

Fee Authorization. The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

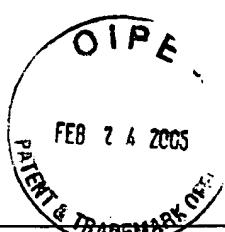
FLIESLER MEYER LLP

Date: 212 2105

By: 

David T. Xue
Reg. No. 54,554

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800
Facsimile: (415) 362-2928
Customer No. 23910



Form PTO-1445 (Substitute)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Attorney Docket Number BEAS-01445US1	Serial/Patent Number 10/784,492
<i>Information Disclosure Statement BY APPLICANT (Use several sheets if necessary)</i>		Applicant/Patent Owner Kyle Marvin et al.			
		Filing/Issue Date February 23, 2004		Group Art Unit 2153	

U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
		6,804,686	Oct. 2004	Stone et al.			
		6,732,237	May 2004	Jacobs et al.			
		6,594,693	Jul. 2003	Borwankar			
		6,353,923	Mar. 2002	Bogle et al.			
		6,226,675	May 2001	Meltzer et al.			
		6,230,287	May 2001	Pinard et al.			
		6,044,217	Mar. 2000	Brealy et al.			
		6,119,149	Sep. 2000	Notani			
		5,748,975	May 1998	Van De Vanter			
		5,836,014	Nov. 1998	Faiman, Jr.			
		5,835,769	Nov. 1998	Jervis et al.			

U.S. PATENT PUBLICATIONS

Examiner Initial		Patent Application Publication Number	Publication Date	Applicant
		2004/0225995 A1	Nov. 11, 2004	Marvin et al.
		2004/0133660 A1	July 8, 2004	Junghuber et al.
		2003/0110117 A1	June 12, 2003	Saidenberg et al.
		2003/0018665 A1	Jan. 23, 2003	Dovin et al.
		2002/0165936 A1	Nov. 7, 2002	Alston et al.
		2002/0016759 A1	Feb. 7, 2002	Macready et al.



PENDING U.S. PATENT APPLICATIONS

Examiner Initial		Application Number	Filing Date	First Named Inventor	Petition to Expunge? Yes No

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Trans- lation Yes No
		Int'l Search Report for PCT/US04/05427	Feb. 10, 2005	PCT			X
		Int'l Search Report for PCT/US04/05479	Dec. 3, 2004	PCT			X

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

Examiner

Date Considered

***EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*1 = Copy not submitted because it was submitted in prior application SN /_____, filed _____, 20_____, relied on under 35 USC §120.

*2 = Copy not submitted because it was submitted in prior application SN /_____, filed _____, 20_____, relied on under 35 USC §120.